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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,828	12/04/2001	Morgan William Amos David	450110-03696	9072
22850	7590	12/01/2006	EXAMINER TOPGYAL, GELEK W	
C. IRVIN MCCLELLAND OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			ART UNIT 2621	PAPER NUMBER

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,828

Applicant(s)

DAVID ET AL.

Examiner

Gelek Topgyal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-88 and 102-132 is/are pending in the application.
- 4a) Of the above claim(s) 38-88, 106-132 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 and 102-105 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/4/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/4/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of invention I, claims 1-37 and 102-105, in the reply filed on 9/1/2006 is acknowledged. The traversal is on the ground(s) that "If the search and examination of all the claims in an application can be made without serious burden, the Examiner must examine them on the merits, even though they include claims to independent or distinct inventions". This is not found persuasive because: It is noted that the searches for invention I, invention II, and invention III are different because the search of invention I does not require searching for "a digital video tape recorder including the feature for "being operable to store a material identifying code in the user-definable bits of the slant track video timecode and in the user-definable bits of the linear track timecode"" of invention II and "a recording and reproducing apparatus including the feature for "recording audio and/or video signal information signals onto a liner recording medium, and to record metadata associated with said information signals onto said linear recording media with said information signals, wherein metadata is recorded repeatedly"" of invention III; furthermore, the search of invention II does not require searching for "a video and/or audio signal processing system including the feature for recording and reproducing "a first generator for generating first material identifiers for identifying respective pieces of material on the medium, and a second generator for generating second, universally unique, identifiers for pieces of material, second identifiers being generated in respect of one or more of the first identifiers"" of invention I and "a recording and reproducing apparatus including the feature for

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"recording audio and/or video signal information signals onto a liner recording medium, and to record metadata associated with said information signals onto said linear recording media with said information signals, wherein metadata is recorded repeatedly"" of invention III; furthermore, the search of invention III does not require searching for "a video and/or audio signal processing system including the feature for recording and reproducing "a first generator for generating first material identifiers for identifying respective pieces of material on the medium, and a second generator for generating second, universally unique, identifiers for pieces of material, second identifiers being generated in respect of one or more of the first identifiers"" of invention I and "a digital video tape recorder including the feature for "being operable to store a material identifying code in the user-definable bits of the slant track video timecode and in the user-definable bits of the linear track timecode"" of invention II.

2. The new added claims 107-132 are withdrawn from consideration because they are directed to the invention III, because "generating an activity indicator of ... within a content of the video and/or audio material" and for "generating metadata associated with the activity indicator" can be grouped with the feature of recording "metadata associated with said information signals". The invention I relies solely on generating identifiers for pieces of material so that a system can identify a single piece of material vs. another piece of material. Invention I does not allow for a feature to describe what is actually stored within the pieces of material as noted in newly added claims 107-132.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 2, 3, 8, 11 and 19-21** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. **Claims 2 and 3** recite the limitation "the medium identifier" in the third line of each claim. There is insufficient antecedent basis for this limitation in the claim.

6. **Claim 8** recites the limitation "the medium identifier" in the first line of the claim. There is insufficient antecedent basis for this limitation in the claim.

7. **Claim 11** recites the limitation "said data store" in the second line of the claim. There is insufficient antecedent basis for this limitation in the claim.

8. **Claim 19-21** recites the limitation "the data store" in the second and third lines of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- Claims 29 and 30** are rejected under 35 U.S.C. 101 because they are directed to a recording medium. The claims only teach nonfunctional descriptive material being stored on the recording medium.

Claims 36, 37, and 102-105 are rejected under 35 U.S.C. 101 because they are directed to computer program products and storage mediums. The computer program products aren't stored on a computer readable medium for claims 36, 102 and 103; and claims 37, 104 and 105 have no computer readable medium and also don't have any functional descriptive material.

When nonfunctional descriptive material is recorded on some computer-readable medium, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory. See MPEP 2106.IV.B.1.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. **Claims 1-6, 8, 15-17, 21, 23-26, 28-29, 31-37, and 102-105** are rejected under 35 U.S.C. 102(b) as being anticipated by Dorricott et al. (GB 2 312 078).

Regarding claim 1, Dorricott et al. teaches a video and/or audio signal processing system (Fig. 1) comprising a recorder for recording video and/or audio material on a recording medium the recorder including a first generator for generating first material identifiers for identifying respective pieces of material on the medium such

that each piece is differentiated from other pieces on the medium (Fig. 3 and page 3, lines 8-26 teaches that “a name for the material” is generated for a piece of a stored material), and a second generator for generating second, universally unique, identifiers for pieces of material, second identifiers being generated in respect of one or more of the first identifiers (Fig. 3 and page 3, lines 8-26 teaches that a “store manager 3” generates a Unique Material Identification Code (UMID) for a piece of stored material).

Regarding claim 2, Dorricott et al. teaches the claimed wherein the recording medium has an identifier which identifies the medium additionally to the first identifiers which identify material recorded thereon, and the second generator associates the second identifiers with the medium identifier and the first identifiers in combination (Fig. 3 and page 3, lines 8-26 teaches “b) data for locating the files where the material is stored.....; the medium e.g. the identity of a particular tape;”).

Regarding claim 3, Dorricott et al. teaches the claimed wherein a third identifier identifying the machine which initially produces the video and/or audio material is produced and the second generator associates the second identifiers with the medium identifier and the first identifiers and the third identifiers in combination (Fig. 3 and page 3, lines 8-26 teaches “b) data for locating the files where the material is stored. That data identifies: the store (1, 2, 21); the medium e.g. the identity of a particular tape;” The store (1, 2, 21) are machines that stores the “materials”).

Regarding claim 4, Dorricott et al. teaches the claimed wherein the second identifiers are UMIDs (Page 3, lines 9-10).

Regarding claim 5, Dorricott et al. teaches the claimed wherein the first identifiers are recorded on the medium (Fig. 3 and page 3, lines 8-26 teaches the identifying data are stored in database 5).

Regarding claim 6, Dorricott et al. teaches the claimed wherein the first identifiers comprise material reference numbers (As discussed in claim 1 above, the material's name is recorded. The name is a reference to the material stored).

Regarding claim 8, Dorricott et al. teaches the claimed wherein the medium identifier is recorded on the medium (For the same reasons as discussed in claim 2 above. The medium identifier is stored in the database).

Regarding claim 15, Dorricott et al. teaches the claimed wherein the medium identifier is recorded on the medium (Fig. 3 and page 3, lines 8-26 teaches the identifying data are stored in database 5). Regarding claim 15, Dorricott et al. teaches the claimed further comprising a database processor arranged to associate the second identifiers with at least the first identifiers or with the first identifiers and one or more of the medium identifiers and the third identifiers (Page 3, lines 22-26 teaches that the EDL database 5 stores the material name, UMID, the machine and tape IDs together).

Claims 16, 23, 29, and 33-35 are rejected for the same reasons as discussed in claim 1 above. The rejection for claim 1 above, applies to the multitude of methods, systems, recorders, and reproducers as claimed.

Claim 17 is rejected for the same reasons as discussed in claim 8 above.

Regarding claim 21, Dorricott et al. teaches the claimed wherein the recorder is arranged to produce a machine identifier identifying the recorder and to record the

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machine identifier on the medium and/or in the data store (As discussed above in claim 16 (via claim 1) and claim 3, the machine identifier is stored).

Claim 24 and 25 are rejected for the same reasons as discussed in claim 3 above.

Claim 26 is rejected for the same reasons as discussed in claim 16 (via claim 1) above, and additionally, the system as disclosed by Dorricott et al. is capable of retrieval, manipulation and playback of the materials stored.

Claim 28 is rejected for the same reasons as discussed in claims 1 and 4 above; and additionally, the system as disclosed by Dorricott et al. is capable of retrieval, manipulation and playback of the materials stored.

Claims 31 and 32 are rejected for the same reasons as discussed above in the combination of claims 1 and 2.

Computer program product claims 36, 102 and 103 are rejected for the same reasons as discussed above in claims 33,34 and 35, respectively. The system of Dorricott et al. is run on a computer (Fig. 1), which reads on the claimed "digital signal processor".

Storage medium claims 37, 104 and 105 are rejected for the same reasons as discussed above in claims 36, 102 and 103. The system of Dorricott et al. is run on a computer (Fig. 1), therefore, a storage medium to store the computer program product is inherent.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Dorricott et al. (GB 2 312 078) in view of Wilkinson J. H. ("LINKING ESSENCE AND METADATA IN A SYSTEMS ENVIRONMENT").

Regarding claim 7, Dorricott et al. teaches the limitations as discussed in claim 6 above, however fails to particularly teach wherein the first identifiers are recorded in the user bits of time codes.

In an analogous art, Wilkinson J. H. teaches in section 2.4 that material numbers defining a particular media clip is stored in the basic UMID. The basic UMID is stored as a header to the media clips (Fig. 2), and therefore are stored in the user bits of time codes.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the first identifiers in the user bits of time codes as taught by Wilkinson J. H. to allow media materials or clips to be automatically identify the materials or clips themselves. This aids in the archiving and furthermore the retrieval of clips when stored in a database.

14. **Claims 9-12, 18-20, 22, 27 and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorricott et al. (GB 2 312 078).

Claims 9-12, 18-20, 22, 27 and 30 recite limitations that relate to a housing which contains the medium and supports a data store, additional to the medium capable of storing the following: the first identifier, third identifier (machine identifier), and the medium identifier. Dorricott et al. teaches that all of the information is stored on the medium (As discussed above in claims 1-5, 16-17, 23-26, 29), however fails to teach a data store, additional to the medium that stores the same information. The examiner elects to take Official Notice.

It is well known and conventional in the art for a recording medium to have an additional storage medium supported by a housing, in addition to the recording medium itself, to record same identification information as that stored on the recording medium.

The additional storage medium acts as a backup storage identification information. This allows a user to identify a particular medium and what is stored on the medium without having to actually read the medium. Also, in the case that identification information is lost on the recording medium, the additional storage medium allows for a backup copy to be available.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to incorporate an additional storage medium, in addition to the recording medium itself to decrease the time for effective media/material retrieval in a database by allowing a user to identify and preview information stored on the medium.

15. **Claims 13 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorricott et al. (GB 2 312 078).

Claims 13 and 14 recite limitations wherein the housing of the medium has a label writable with the medium identifier. Dorricott et al. teaches that all of the information is stored on the medium (As discussed above in claims 1-5), however fails to teach wherein the housing has a label writable with the medium identifier. The examiner elects to take Official Notice.

It is well known and conventional in the art to be able to label a housing with a medium identifier.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to label a housing with a medium identifier so that a user can improve efficiency of retrieval of a particular medium within a database by being able to identify the medium without having to play the particular medium.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gelek Topgyal whose telephone number is 571-272-8891. The examiner can normally be reached on 8:30am -5:00pm.

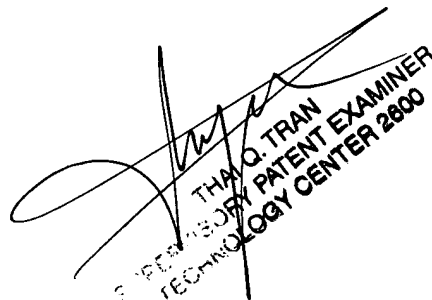
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GT

11/27/2006



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